

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

CLEO ANDERSON AND DOTTY ANDERSON

VS.

NO. 2:13-cv-87 JLH

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JUN 27 2013
JAMES W. McCORMACK, CLERK
By: SAM
PLAINTIFFS
DEP CLERK

NOTICE OF REMOVAL

TO: The United States District Court
Eastern District of Arkansas, Eastern Division

The Circuit Clerk of St. Francis County, Arkansas
313 S. Izard St., Ste. 8
Forrest City, AR 72335

Louis A. Etoch
Etoch Law Firm
P. O. Box 100
727 Cherry Street
Helena, AR 72342

This case assigned to District Judge Holmes
and to Magistrate Judge Kearney

Please take notice that the captioned case filed as Case No. 62CV-2013-74-1 in the Circuit Court of St. Francis County, Arkansas, Civil Division, has been hereby removed to the United States District Court for the Eastern District of Arkansas, Eastern Division. Defendant, Shelter Mutual Insurance Company ("Shelter"), files this Notice of Removal and states, as grounds for removal, the following:

1. This action was commenced by the filing of a Complaint in the Circuit Court of St. Francis County, Arkansas, Civil Division, on May 22, 2013, and was assigned Case No. 62CV-2013-74-1. A copy of the Complaint and

Summons, constituting all documents served upon Defendant in connection with this cause, are attached hereto as Exhibit A.

2. Allstate is an Missouri corporation with its principal place of business located in the State of Missouri.

3. Plaintiffs Cleo Anderson and Dotty Anderson are citizens and residents of St. Francis County, Arkansas.

4. This is a civil action in which Plaintiffs seek damages in an amount in excess of \$75,000, and a 12% penalty and attorney's fees pursuant to Ark. Code Ann. § 23-79-208. Accordingly, Plaintiffs seek damages in excess of \$75,000, exclusive of interest and costs, the amount required for federal diversity jurisdiction.

5. Therefore, this action is one over which a federal district court has original jurisdiction because there is complete diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332, and this case is removable under 28 U.S.C. § 1441(a) under the procedures set forth in 28 U.S.C. § 1446.

6. Defendant has given written notice of this removal by filing copies of this notice of removal with the Circuit Clerk of St. Francis County, Arkansas, and by mailing copies of the Notice of Removal to Plaintiffs' attorney.

7. No admission of fact, law or liability is intended by the filing of this notice, and all defenses, motions and pleas are expressing reserved.

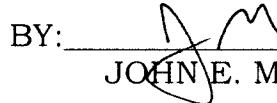
WHEREFORE, Defendant, Shelter Mutual Insurance Company, gives notice that this case has been removed from the Circuit Court of St. Francis

County, Arkansas, Civil Division, to the United States District Court for the Eastern District of Arkansas, Eastern Division.

DATED this 27th day of June, 2013.

Respectfully submitted,

MUNSON, ROWLETT, MOORE
& BOONE, P.A.
REGIONS CENTER
400 W. CAPITOL, SUITE 1900
LITTLE ROCK, AR 72201
501/374-6535
john.moore@mrmblaw.com

BY: 
JOHN E. MOORE 82111

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Removal was forwarded this 27th day of June, 2013 to:

Louis A. Etoch
ETOCH LAW FIRM
P. O. Box 100
727 Cherry St.
Helena, AR 72342


JOHN E. MOORE

IN THE CIRCUIT COURT OF ST. FRANCIS COUNTY, ARKANSAS

CLEO ANDERSON AND DOTTY ANDERSON

PLAINTIFFS

VS.

NO. 62 CV-2013- 74-1

SHELTER MUTUAL INSURANCE COMPANY

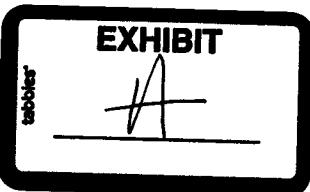
DEFENDANT

COMPLAINT

Come now the Plaintiffs, Cleo Anderson and Doty Anderson (collectively referred hereafter as "Anderson" or "Plaintiffs") by and through their attorneys, the Etoch Law Firm, and for their Complaint against the Defendant, Shelter Mutual Insurance Company ("Shelter"), allege and state as follows:

1. Plaintiffs are citizens and residents of St. Francis County, Arkansas, at all times relevant to this complaint.
2. The Defendant, Shelter, is an entity in the business of selling insurance with its principle place of business in Columbia, Missouri, which did do business in the State of Arkansas at the time of the wrongs complained of herein.
3. The wrongs complained of herein arose out of the Defendant's conduct in doing business in the State of Arkansas.
4. The Defendant, Shelter, for the consideration of a premium which was paid, issued and delivered to Plaintiffs a policy of fire casualty insurance (policy number 03-71-5770984-1) to cover the Plaintiffs' property located at 137 Cardinal Dr., Forrest City, Arkansas. The total amount of insurance upon the property both real and personal by the policy was \$142,910.00, which represents \$92,200.00 for the residence and \$50,710 for the contents. The policy was a homeowner policy. A copy of documentation from Shelter verifying coverage is attached hereto, marked Exhibit "A" and incorporated herein by reference.

1



FILED
MAY 22 2013

TIME: 11:29 AM
BETTE S. GREEN, CLERK
ST. FRANCIS COUNTY

5. Plaintiffs have paid all premiums as they became due. Plaintiffs' residence and their personal property located at 137 Cardinal Dr., Forrest City, Arkansas were destroyed by fire on November 17, 2012. Said policy was in full force and effect at the time of the fire.

6. Plaintiffs immediately notified Shelter of their loss within the time and manner required by the terms of said policy and demanded payment pursuant to the terms of the policy.

7. The policy requires that the claim be processed and payment made within a reasonable period of time and within 60 days from the date of the proof of loss.

8. Plaintiffs filed a sworn proof of loss on or around December 20, 2012. Cleo Anderson and Dottie Anderson further submitted to an Examination Under Oath by Shelter's attorney, on March 18, 2013. Plaintiffs have answered every question asked by Shelter and have fully cooperated with Shelter, their agents, and their attorneys.

9. Plaintiffs have complied with all conditions of the policy.

10. Plaintiffs state they are entitled to recover the full \$92,200.00 for the loss of their residence pursuant to §23-88-101 titled Valued policy law, which states in pertinent part:

(a) In case of a total loss by fire or natural disaster of the property insured, a property insurance policy other than for flood and earthquake insurance shall be held and considered to be a liquidated demand against the company taking the risk for the full amount stated in the policy or the full amount upon which the company charges, collects, or receives a premium.

11. In addition thereto Plaintiffs are entitled to \$12,690 for the contents thereof.

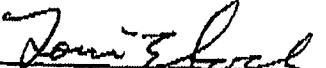
12. Although due demand has been made by Plaintiffs for the proceeds of the policy from Shelter, Shelter has failed, neglected and refused to pay any funds pursuant to the terms of the policy and within the time specified in the policy. The Plaintiffs are entitled to pre-trial interest, twelve percent damages/penalties, together with a reasonable attorney's fee and their costs as provided in Ark. Code Ann. §3-79-208.

13. Plaintiffs request a trial by jury.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs, Cleo Anderson and Dotty Anderson pray for Judgment against the Defendant, Shelter, for \$92,200.00 for the structure; for \$12,690 for the contents of their home which were destroyed by the fire; together with pre-trial interest, twelve percent damages, and a reasonable attorney's fee; and for such other and further relief which may be proper.

Respectfully submitted,

ETOCH LAW FIRM

By: 
Louis A. Etoch (89030)
Attorney at Law
P.O. Box 100
727 Cherry St.
Helena, AR 72342
(870) 338-3591
letoch@etochlaw.com

*Exhibit A***SCHEDULE "A" – PROPERTY INSURED**

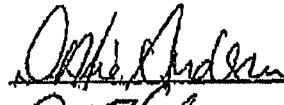
Coverage or Item Number	Amount of Insurance	Description of Property
A	\$92,200.00	Dwelling
B	\$9,220.00	Other Structures
D	\$18,440.00	ALB

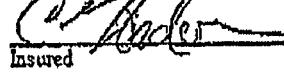
Location of Property: 137 Cardinal Dr., Forrest City Ar**SCHEDULE "B" – OTHER INSURANCE**

Policy No.	Expires	Name of Company

PROOF OF LOSS – DWELLING/STRUCTURE**DESCRIPTION OF PROPERTY AND AMOUNT OF LOSS
(TO BE ATTACHED)**

WARNING: Any person who knowingly and with intent to injure, defraud, or deceive an insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete, or misleading information commits a criminal offense that is punishable by imprisonment and/or fine. Any insurance company or agent who knowingly provides false, incomplete, or misleading information for the purpose of defrauding a policyholder or claimant in a claim settlement must be reported to the state Department of Insurance.





Insured

SCHEDULE "A" – PROPERTY INSURED

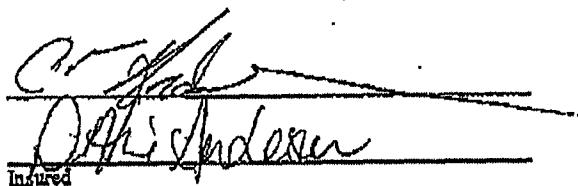
Coverage or Item Number	Amount of Insurance	Description of Property
C	\$50,710.00	Personal Property

Location of Property: 137 Cardinal Dr., Forrest City AR**SCHEDULE "B" – OTHER INSURANCE**

Policy No.	Expires	Name of Company

SCHEDULE "C"
DESCRIPTION OF PERSONAL PROPERTY AND AMOUNT OF LOSS
(TO BE ATTACHED)

WARNING: Any person who knowingly and with intent to injure, defraud, or deceive an insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete, or misleading information commits a criminal offense that is punishable by imprisonment and/or fine. Any insurance company or agent who knowingly provides false, incomplete, or misleading information for the purpose of defrauding a policyholder or claimant in a claim settlement must be reported to the state Department of Insurance.



Chris Anderson
Injured

IN THE CIRCUIT COURT OF ST. FRANCIS COUNTY, ARKANSAS
CIVIL DIVISION

CLEO ANDERSON and DOTTY ANDERSON

PLAINTIFFS

VS.

NO. 62 CV-2013-74-1

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT: Shelter Mutual Ins. Company
c/o The Corporation Company, Reg. Agent
124 W. Capitol Ave., Ste. 1900
Little Rock, AR 72201-3726

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint.
Within 30 days after service of this summons on you (not counting the day you received it) - or 60
days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas -
you must file with the clerk of this court a written answer to the complaint or a motion under Rule
12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and
address are:

Louis A. Etoch
Attorney for Plaintiffs
P.O. Box 100
Helena, AR 72342

If you fail to respond within the applicable time period, judgment by default may be entered
against you for the relief demanded in the complaint.

Additional notice: Interrogatories are attached.

Address of Clerk's Office:
St. Francis County Courthouse
P.O. Box 1775
Forrest City, AR 72336
Phone: 870-261-1715
Fax: 870-261-1723

Bette Green, Circuit Clerk

By: Bette Green
Deputy Clerk

Date: 5-22-13

[SEAL]

Case No. _____ This summons is for _____
(name of Defendant).

PROOF OF SERVICE

- I personally delivered the summons and complaint to the individual at _____ [place] on _____ [date]; or
- I left the summons and complaint in the proximity of the individual by _____ after he/she refused to receive it when I offered it to him/her; or
- I left the summons and complaint at the individual's dwelling house or usual place of abode at _____ [address] with _____ [name], a person at least 14 years of age who resides there, on _____ [date]; or
- I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant] on _____ [date]; or
- I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.
- I am the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.
- Other [specify]: _____
- I was unable to execute service because: _____

My fee is \$ _____

Case No. _____ This summons is for _____
(name of Defendant).

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____
[Signature of server]

[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____ By: _____
[Signature of server]

[Printed name; and authorization number, if applicable]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

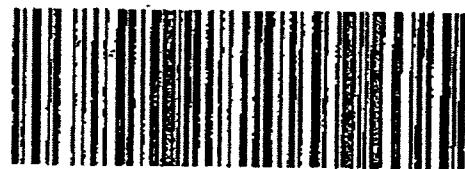
Notary Public

My commission expires: _____

Additional information regarding service or attempted service:

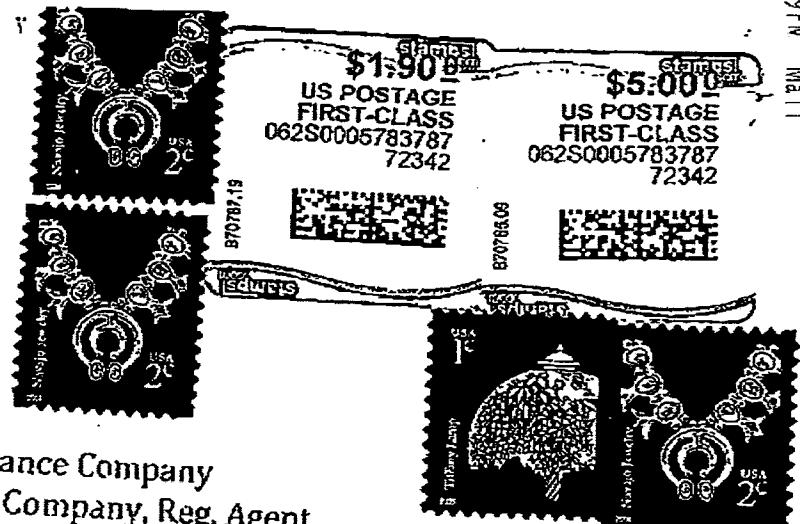
MAY 31 2013 3:29PM Mail

Etoch Law Firm
Attorneys at Law
727 Cherry St.
Helena, AR 72342



7006 2760 0004 2149 9492

Shelter Mutual Insurance Company
c/o The Corporation Company, Reg. Agent
124 W. Capitol Ave., Ste. 1900
Little Rock, AR 72201-3726



NO. 6617 F 15/15